

TAB B

TAB B

1 UNITED STATES DISTRICT COURT  
2 FOR THE DISTRICT OF MASSACHUSETTS

3 C.A. No. 04-30197-MAP

4  
5 MELISSA OSTRANDER  
6 Plaintiff

7 VS.

8 HUSSMANN CORPORATION  
9 Defendant

10  
11 DEPOSITION OF: MELISSA OSTRANDER, taken  
12 before Micheline I. Bourbonnais, Certified  
13 Shorthand Reporter, pursuant to the Federal  
14 Rules of Civil Procedure, at the offices of  
15 PHILBIN & ASSOCIATES, INC., 959 Main Street,  
16 4th Floor, Springfield, Massachusetts, at  
17 10:00 a.m. on August 24, 2005.

18 APPEARANCES:

19 (SEE PAGE 2.)

20  
21  
22 Micheline I. Bourbonnais  
23 Certified Shorthand Reporter

1 I N D E X

2  
3 WITNESS DIRECT CROSS REDIRECT RECROSS

4 MELISSA OSTRANDER 5\*

5 Stewart\*

6 Etkin\*\*

7 Silverman\*\*\*

8 Chernick\*\*\*\*

9  
10 EXHIBITS: DESCRIPTION PAGE

11 D Exhibit # 1 Plaintiff's Answers  
to Interrogatories 55

12 D Exhibit # 2 Diagram 55

1 APPEARANCES:

2 LAW OFFICE OF HAL ETKIN, 14 Hubbard Avenue,  
3 2nd Floor, Springfield, Massachusetts 01105,  
4 representing the Plaintiff.

5 BY: HAL ETKIN, ESQUIRE

6 LAW OFFICES OF STEPHEN W. SILVERMAN, 73  
7 State Street, Suite 203, Springfield,  
8 Massachusetts 01103, representing  
9 the Plaintiff.

10 BY: STEPHEN W. SILVERMAN, ESQUIRE

11 LAW OFFICE OF MICHAEL J. CHERNICK, 73 State  
12 Street, Springfield, Massachusetts 01103,  
13 representing the Plaintiff.

14 BY: MICHAEL J. CHERNICK, ESQUIRE

15 ROSS & ROSS, P.C., 121 State Street,  
16 Springfield, Massachusetts 01103,  
17 representing the Defendant.

18 BY: JOHN B. STEWART, ESQUIRE

19 IN ATTENDANCE:

20 LAURIE OSTRANDER

1 S T I P U L A T I O N S

2  
3 It is agreed by and between the parties  
4 that all objections, except objections as to  
5 the form of the question, are reserved to be  
6 raised at the time of trial for the first  
7 time.

8 It is further agreed by and between the  
9 parties that all motions to strike  
10 unresponsive answers are also reserved to be  
11 raised at the time of trial for the first  
12 time.

13 It is further agreed that the deponent  
14 will read and sign the deposition under the  
15 pains and penalties of perjury, notary  
16 waived, and that the sealing of the said  
17 deposition will be waived.

18 It is further agreed by and between the  
19 parties that notification to all parties of  
20 the receipt of the original deposition  
21 transcript is also hereby waived.

22 \*\*\*\*\*

13

1 chopped, it was high school so they're not  
2 allowed to have like stuff like that because  
3 you have to be eighteen and older to use  
equipment like that.

5 Q. Who is the instructor for that  
6 food course?

7 A. Mrs. Dewey.

8 Q. How is that spelled?

9 A. D-e-w-e-y maybe, I'm not quite  
10 sure.

11 Q. Okay. Did you ever use any of the  
12 equipment there, I guess the only thing that  
13 was there really was a mixer?

14 A. Like a cookie mixer, stuff like  
15 that, you make things like that, yes.

16 Q. Were there any instructions that  
17 Mrs. Dewey or anybody else gave you about  
18 the use of that machine?

19 A. Oh, yes, we took tests.

20 Q. What did they tell you that you  
21 can remember today?

22 A. How to use the machine, I don't  
23 really remember. I mean, a mixer is like

14

1 you put your flour, your dough, you slowly  
2 put it on, you start off slow, you put it on  
3 speed one, and then you don't put your spoon  
4 in it while it's running.

5 Q. Do you remember if it had an  
6 on-off switch?

7 A. Yes, it did.

8 Q. Do you remember what kind of  
9 on-off switch it was?

10 A. I think it was the flip switch  
11 one, I think.

12 Q. Was it kind of an up and down type  
13 of arrangement?

14 A. I think it was the depressing one.

15 Q. I see. Kind of like one of the  
16 old fashion light switches, I don't know if  
17 you've seen one of those?

18 A. Yes.

19 Q. It's a push button deal, when you  
20 push one button in the other button comes  
21 out, and vice versa?

22 A. Yes.

23 Q. Okay. Were there any other, other

15

1 than that push button arrangement we just  
2 talked about, and I gather those were side  
3 by side?

4 A. Yes.

5 Q. Were there any other ways to turn  
6 the mixer on and off?

7 A. No.

8 Q. And other than what Mrs. Dewey  
9 told you about the use of the machine,  
10 operating the machine, was there any written  
11 literature about that machine that you  
12 were --

13 A. (Interposing) The uses of  
14 different stuff like that and we would have  
15 to review it and then we had a test on it.

16 Q. Okay.

17 A. Yes.

18 Q. So, there was some kind of handout  
19 about equipment?

20 A. Yes.

21 Q. Were there any posted signs around  
22 the room regarding the use of machinery or  
23 equipment?

16

1 A. I don't remember. I know there  
2 was signs but I don't know on the usage of  
3 machines.

4 Q. Okay. And these were posted up on  
5 the walls?

6 A. Yes.

7 Q. In the food room?

8 A. Yes.

9 Q. When you were going to school at  
10 Westfield High did you ever hear about any  
11 injuries to people working in the food class  
12 or in the food room?

13 A. There is no injuries, maybe like a  
14 finger cut with a knife, but nothing major.

15 Q. Let me switch gears away from the  
16 school and to your own kitchen at home.  
17 And as it was before this accident in April  
18 of '02, did you have any food preparation  
19 equipment in your own kitchen at home?

20 A. All my parents' equipment, yes.

21 Q. What kind of equipment did you  
22 have?

23 A. We had the mixer for like, you

17

1 know, cookies or whatever you want to mix in  
2 there. There was a blender, a little like,  
3 you know, the little ones you want to dice  
4 like onions or something like that. Just, I  
5 guess, your basic needs, I guess, nothing  
6 like big and spectacular.

7 Q. What kind of mixer was this?

8 A. It was a cookie mixer, you have a  
9 bowl and like the attachment you lift up and  
10 you put your ingredients in and you put it  
11 down where you have the two little circular  
12 things and press it on and it mixes the  
13 butter with the flour and stuff like that,  
14 you know what I'm saying.

15 Q. All right. So, this is something  
16 that attaches on top of the bowl?

17 A. Yes.

18 Q. And then I guess you had a blender  
19 that you'd put the two things on?

20 A. The prongs.

21 Q. Push the button?

22 A. Yes, it was the same thing.

23 That's what the mixer is where the prongs

18

1 are in it, for the hand one it's attached.

2 Q. The one you're talking about fit  
3 on top of the bowl?

4 A. Yes.

5 Q. Okay. Did you have a coffee  
6 grinder at home?

7 A. No.

8 Q. Did you have any kind of food  
9 processor, I'm thinking like those salad  
10 shooters or anything like that?

11 A. No.

12 Q. Did you have a food disposal unit  
13 in the sink?

14 A. No.

15 Q. Okay. Do you remember what the  
16 brand name of the mixer that fit on top of  
17 the bowl was?

18 A. I don't, no.

19 Q. Did you ever see the instructions  
20 or the operating manual on that unit?

21 A. No, just the ones that Mrs. Dewey  
22 had written out for us.

23 Q. I'm sorry, just the ones that?

19

1 A. Mrs. Dewey had written out for us

2 Q. I'm just asking about the ones at  
3 home, did you ever read any of those?

4 A. At home, no.

5 Q. So, at school there was a mixer  
6 that you read the book on?

7 A. Yes.

8 Q. Was there any other equipment at  
9 school that you might have read instruction  
10 manuals on or operator's manuals?

11 A. No.

12 Q. Okay. Do you remember if the  
13 operator's manual at school for this mixer  
14 had any warnings about things that are  
15 potentially unsafe?

16 A. Just the fact that you can't mix,  
17 when you have the machine on you can't use  
18 the spoon or whatever to push down the stuff  
19 on the side, you have to turn the machine  
20 off, lift the head piece up and then push  
21 the stuff in the middle of the bowl and then  
22 turn it back on.

23 Q. Okay.

20

1 A. And obviously you can't stick your  
2 hands in there to, you know --

3 Q. Okay.

4 A. Warnings were there.

5 Q. Okay. You had to shut it off  
6 before you would be doing any of those  
7 things?

8 A. Of course, yes.

9 Q. Now, this mixer at home, the one  
10 that went on top of the bowl, what kind of  
11 switches did it have on it to turn it on and  
12 turn it off?

13 A. It was the same exact one pretty  
14 much.

15 Q. So, there was one way you turned  
16 it on and it was a single button, or what?

17 A. It was the button, right, an on  
18 and off switch.

19 Q. Was it kind of like a see-saw and  
20 if you pushed it this way it was on and then  
21 the other way it was off?

22 A. Yes.

23 Q. And that would be arranged

25

1 dirt on the ground.

2 Q. Okay. Can you recall using any  
3 other machinery or equipment at home other  
4 than the things we've already talked about?

5 A. No, I don't believe there is  
6 anymore heavy duty equipment that I've used.

7 Q. Were there any home improvement or  
8 home maintenance, carpentry type things that  
9 you ever used?

10 A. No.

11 Q. Did you have any saws at the  
12 house?

13 A. Yes.

14 Q. Power saws?

15 A. Yes.

16 Q. Did you ever use any of those?

17 A. No.

18 Q. Were there any hedge trimmers that  
19 you ever used?

20 A. No.

21 Q. Lawn trimmers?

22 A. To cut the bushes, to trim the  
23 bushes?

26

1 Q. That would be one kind I was  
2 asking about.

3 A. No. We have them but I did not  
4 use them.

5 Q. You didn't use them.

6 Before this accident had you ever used  
7 any machine that had a brake on it so when  
8 you shut it off it stopped turning  
9 immediately?

10 A. No.

11 Q. Okay. Before this accident in  
12 April of '02, had you ever used a machine  
13 that had an emergency stop on it, a red  
14 button that you're supposed to stop -- push  
15 to have it, whatever machine, stop  
16 immediately?

17 A. Have I ever used one?

18 Q. Have you ever used a machine that  
19 had an emergency stop on it before April of  
20 '02?

21 A. No.

22 Q. Now, before April of '02, did you  
23 have an understanding about what a pinch

27

1 point is, is that a term you had ever heard  
2 before?

3 A. I never heard that term before.

4 Q. Before April of '02 did you  
5 understand that certain machinery when it's  
6 turned on is moving? Are you with me so  
7 far?

8 A. Yes.

9 Q. Okay. And that when there are  
10 moving parts typically you want to keep  
11 parts of your body away from those moving  
12 parts?

13 A. Yes.

14 Q. Is that right?

15 A. Yes.

16 Q. And that was something that you  
17 knew leading up to April of '02?

18 A. Yes.

19 Q. So, when you're using that vacuum  
20 cleaner at home with the beater brush, you'd  
21 try not to get your foot too close to that,  
22 right?

23 A. Yes.

28

1 Q. I want to bring you forward to the  
2 point in time, I guess it's May of '01 that  
3 you're hired by Pleasant Street Market. Do  
4 you remember that?

5 A. Yes.

6 Q. Do you remember how you were  
7 hired?

8 A. My friend Amber Parks is the  
9 stepdaughter of Bill Barry, the owner.

10 Q. So, did you hear there was an  
11 opening?

12 A. I was -- my friend Amber is in the  
13 same home room as me in high school, I was  
14 telling her I wasn't getting a lot of hours  
15 at Davio's and I wanted to look for another  
16 job, and she had told me that she can  
17 probably get me a job at Pleasant Street.

18 Q. That sounded good to you?

19 A. Yes.

20 Q. Did you actually have a sit-down  
21 interview with Mr. Barry?

22 A. Yes, I did.

23 Q. Do you remember what you talked

45

1 to go through and they would stick like  
2 maybe three, four pieces in the hole, long  
3 thin strips of meat, not like hamburger  
patties, they'd push it down like that.

5 Other than that we rarely used it to grind  
6 the hamburger meat to go through again.

7 Q. Okay. So I make sure I understand  
8 this.

9 A. Okay.

10 Q. During the second grind, in other  
11 words, grinding hamburger it goes through  
12 once and then now you're going to put it  
13 through again?

14 A. To sell it.

15 Q. Was the stomper used for that  
16 second pass?

17 A. No.

18 Q. Okay. Did anybody ever tell you  
19 when the stomper was to be used and wasn't  
20 to be used?

21 A. I don't really remember.

22 Q. Okay. During the first time that  
23 somebody was instructing you about this meat

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1 grinding machine, did they mention anything  
2 about the stomper?

3 A. I don't know, I don't remember.  
4 I'm sorry.

5 Q. Okay. Do you remember if the  
6 stomper was present and within your field of  
7 vision when you were first instructed about  
8 the use of the meat grinding machine?

9 A. Yes. It sits on like a rack where  
10 we slide drinks, like Snapple or whatever, I  
11 don't know exactly what kind of drinks it  
12 was, but on that rack.

13 Q. What distance is that away from  
14 the actual machine?

15 A. About a foot.

16 Q. Okay.

17 A. But in eye view.

18 Q. Are there any nonattached parts of  
the meat grinding machine other than that  
stomper that were in your field of vision?

21 A. Can you rephrase that?

22 Q. Yes. Was the stomper the only  
23 thing that wasn't attached to the machine?

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1 A. No. There's a tray that collected  
2 all the hamburger meat that was grounded and  
3 it sits underneath where the holes where the  
4 hamburger, ground hamburger meat comes down.  
5 That's where like all the meat that is made  
6 during the day, and then we take that meat  
7 to grind through again to sell it.

8 Q. Let me just understand that. When  
9 you clean the machine you take it all apart,  
10 right?

11 A. No. That would be very difficult.  
12 No, we take the tray that sits on top of the  
13 machine, and the tray that has all the  
14 hamburger meat that's already been grounded  
15 through, we take that tray, and that's about  
16 it, I think we just clean those two parts.

17 Q. Is the inside of the machine ever  
18 cleaned out?

19 A. I'm sure it is. I've never seen  
20 it done personally.

21 Q. Okay. So, that wasn't part of  
22 what you were doing there?

23 A. No.

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1 Q. And I understand this machine was  
2 in some kind of large walk-in freezer unit,  
3 or refrigerator unit?

4 A. Yes.

5 Q. Can you describe about how big a  
6 room that was?

7 A. Oh, maybe fifteen feet, that seems  
8 kind of long, twelve to fifteen feet to like  
9 by maybe six to nine feet, I mean, it was  
10 very not that big.

11 Q. Could I trouble you to do a  
12 diagram depicting that refrigerator unit,  
13 and then if you could, you know, depict the  
14 door where you walk in and then, you know --

15 A. This is the door we walked in.  
16 (Witness drawing a diagram.)

17 Q. Okay.

18 A. So we'll say that's the door, and  
19 this is the wall, and we'll say these are  
20 the doors where the customers open up -- I'm  
21 a bad speller.

22 Q. Generally where is the counter in  
23 relation to all this?

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1 hamburger meat comes, here is the tray, and  
2 up on the top there is -- there is where you  
3 put the hamburger meat down and it goes  
4 through an auger and then all the hamburger  
5 meat comes down out here, you go from that  
6 to right on top of it. (Witness  
7 indicating.)

8 Q. Okay. So, just so we're clear,  
9 this is the actual grinding machine?

10 A. Yes. Not really great detail  
11 but --

12 Q. I'll write grinding machine there  
13 with an arrow. Was there a stainless steel  
14 tray on top of all this?

15 A. Yes, stainless tray on top and  
16 stainless steel tray down here. (Witness  
17 indicating.)

18 Q. But the one on top of the machine  
19 has kind of a hole in it?

20 A. Yes, where you stick the hamburger  
21 meat in.

22 Q. Can you draw in where the hole  
23 would be?

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1 A. The hole would be right here, and  
2 then the auger, is that the correct term,  
3 would be here, and then the holes where the  
4 meat would come out would be -- (Witness  
5 indicating.)

6 Q. So, as you're walking into the  
7 freezer and then you turned to your left and  
8 you faced the grinding machine, the hole  
9 would be -- actually, it would be over to  
10 the right side of the tray?

11 A. Uh-huh.

12 Q. Is that the orientation?

13 A. Yes.

14 Q. And could you draw in about where  
15 the stomper was typically kept?

16 A. Maybe like little things here in  
17 this area. It would sit here. What did you  
18 call it, the thumper? (Witness indicating.)

Q. Yes. Well, the wooden --

A. Wooden thing.

21 Q. Some people call it a pusher,  
22 whatever term we want to use.

23 A. It sits right on the soda rack.

55

1 Q. So, it was just below the soda  
2 area, is that fair?

3 A. It was sitting on the soda area,  
4 on the soda case.

5 Q. Well, look it, this is helpful,  
6 and if I could just have you sign that and  
7 then put down today's date, and what are we  
8 on, the 24th day?

9 MR. ETKIN: Yes, sir.

10 MR. STEWART: 8-24.

11 THE WITNESS: (Witness  
12 signing diagram.)

13 MR. STEWART: We will mark  
14 that when we get around to some other  
15 stuff.

16 (Defendant's Deposition  
17 Exhibit #1 and #2 offered  
18 and marked.)

19 (A recess was taken.)

20 MR. STEWART: Let's go back  
21 on the record.

22 We have marked some  
23 interrogatory answers as #1, and this  
diagram is #2.

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1 Q. (BY MR. STEWART) Let me just go  
2 over the interrogatory answers briefly.  
3 Ma'am, let me show you what we've marked as  
4 Exhibit #1 to this deposition and just ask  
5 you whether that's your signature?

6 A. Yes, it is.

7 Q. On July 14th?

8 A. Uh-huh.

9 Q. Okay. And you reviewed these  
10 written questions and answers before you  
11 signed them?

12 A. Yes, I did.

13 Q. Okay. And one of the questions,  
14 number six was, we asked you about names of  
15 people that had knowledge about this matter,  
16 and the answer was Irene Ring?

17 A. Uh-huh.

18 Q. And Cheri Barbosa?

19 A. Cheri Barbosa, yes.

20 Q. And what knowledge does Irene  
21 have, that you understand?

22 A. I was working with both of them at  
23 the time of my accident.



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1 Q. She was by the door to the walk-in  
2 cooler?

3 A. Yes.

4 Q. Okay. Had you ever had any  
5 difficulty with the running of that grinder  
6 before this accident?

7 A. No.

8 Q. Had you ever had an experience  
9 where anything got stuck in it?

10 A. The first round, the first  
11 processed meat we put through always would  
12 get jammed up a little bit, you just pushed  
13 it a little bit down and it would go right  
14 through, I mean --

15 Q. And when you're talking about  
16 pushing it through, how would you go about  
17 doing that?

18 A. I just with my hand.

19 Q. So, this kind of tapping it  
20 downward with your fingers?

21 A. Yes.

22 Q. Okay.

23 A. Just to push it along.

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1 Q. And when you would be doing that,  
2 about how close would you be coming to the  
3 stainless steel pan on top?

4 A. Well, the hole is right in the  
5 stainless steel top, so, you would have to  
6 go down the hole a little bit to push it in.

7 Q. So, your fingers would actually be  
8 facing downwards somewhat?

9 A. Yes.

10 Q. And you would be actually touching  
11 the top of the meat with your fingertips?

12 A. Yes.

13 Q. Now, the meat that was -- this was  
14 the second pass when this happened?

15 A. Yes.

16 Q. Okay. And you say you thought it  
17 was about a pound of hamburger that got  
18 ordered?

A. Yes, a pound.

Q. Were you making more than that?

21 A. No.

22 Q. So, this was just made to order?

23 A. Yes.

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1 Q. You weren't making any extra?

2 A. No.

3 Q. All right. Was the stomper on the  
4 shelf where it usually is at the time of all  
5 this?

6 A. I believe so, I don't remember  
7 exactly where it is. Usually it was always  
8 there.

9 Q. Did you use the stomper at all  
10 that evening before your accident?

11 A. No.

12 Q. Okay. So, you had run the meat  
13 through one pass, and then was it in the  
14 bottom of a bowl after the first pass, or  
15 where was it?

16 A. After the first pass it stays in  
17 the stainless steel --

18 Q. Kind of a pan?

19 A. -- pan thing.

20 Q. And then I gather you did  
21 something to get that meat back up to the  
22 top of the machine?

23 A. You grab the hamburger meat that s

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1 been run through once with your right hand,  
2 or, no, because you hold like the container  
3 you're putting the hamburger meat in, so, I  
4 grabbed it with my left hand, put it in  
5 through again to grind it through the second  
6 time.

7 Q. Okay. And can you describe  
8 verbally, because we can't see on the  
9 record, so it has to be verbally, what you  
10 were actually doing with your left hand when  
11 all this happened?

12 A. I take the first ground meat, grab  
13 it with my left hand, I would push, you  
14 know, put it in the hole and push it down a  
15 little bit so that it would go through.

16 Q. The -- I don't know how to better  
17 describe it but the amount of meat or the  
18 -- was it kind of in a ball or was it  
19 stretched out, or what did it look like when  
20 you went to put it from underneath and back  
21 on top?

22 A. It's usually like in a big pile,  
23 it wasn't stretched out or anything, it



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1 wasn't tightly in a ball, it was in a pile  
2 of --

3 Q. So, one pound pile of meat is how  
4 big in relation to the hole that's on top in  
5 the stainless steel pan, is it bigger than  
6 the hole?

7 A. Usually, yes, it was sticky so it  
8 would be, so like usually I'd grab a handful  
9 put that in and I grab a little bit more and  
10 put it in again.

11 Q. Okay. How is it, I know this is a  
12 difficult subject matter, and how is it that  
13 your hand ended up going down the hole?

14 A. I was tapping the meat, and I was  
15 watching it come through the other end and I  
16 was doing both looking back and forth and I  
17 just do that normally, I don't know what  
18 happened, why all of a sudden that just one  
19 time I got stuck, I don't quite really --

20 Q. At some point did you feel your  
21 hand being drawn in there?

22 A. Yes.

23 Q. Okay. Was there anything that you

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1 could do at that point?

2 A. No.

3 Q. Was the meat pulling your hand at  
4 all?

5 A. Yes, it was.

6 Q. I gather at some point you had a  
7 chance to hit the off switch?

8 A. Yes.

9 Q. Okay. About how long after you  
10 realized there was a problem where you were  
11 able to hit the off switch?

12 A. Immediately, but I mean I  
13 definitely felt something was going wrong  
14 and I just turned it off.

15 Q. Okay. Were you trying to pull  
16 your hand out at the same time you were  
17 hitting the off switch?

18 A. No, I didn't want -- I felt pain  
19 and I didn't want to be in more pain. When  
20 my hand was in there I didn't know if I was  
21 stuck in the thing or not and I didn't want  
22 to try.

23 MR. STEWART: Let's take a

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1 moment here.

2 (Pause.)

3 MR. STEWART: Are you okay?

4 THE WITNESS: Yes.

5 MR. STEWART: Okay.

6 Q. (BY MR. STEWART) When you felt  
7 something starting to go wrong, was it your  
8 instinct to try to pull your hand out?

9 A. I think I might have a little bit,  
10 it couldn't go anywhere.

11 Q. Did that -- were you able to  
12 -- was your trying to do that have any  
13 effect?

14 A. I might have done that like after  
15 I turned the machine off just to --

16 Q. Okay.

17 A. I remember looking at the  
18 underneath to see if there was a lot of  
19 blood coming out of, but I didn't know where  
20 I was in the machine or what had happened.

21 Q. Could you see how much of your  
22 hand was above the machine?

23 A. I believe it was like wrist area.

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1 I don't remember exactly.

2 Q. So, did you call out or did you  
3 say anything?

4 A. I knew that it was a sound proof  
5 door, unless like somebody opens it up, like  
6 the customers open up the door to open, you  
7 know, to get something out of the cooler, so  
8 I knew I had to kick, somehow get that door  
9 opened, so, I just kicked it open with my  
10 left leg backward and opened it and, I don't  
11 know, I don't remember what I said, I think  
12 -- I don't remember, but I yelled out for  
13 Irene.

14 Q. What happened next?

15 A. Irene came in, she looked at what  
16 happened, she might have asked me what, you  
17 know, I don't remember exactly what she  
18 asked me, I remember her just turning the  
19 machine on and I remember saying oh God no,  
20 and I turned it off immediately, but when  
21 she ran out I think Cheri ran in.

22 Q. Based on your memory, about how  
23 long was the machine on after Irene turned

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1 plunger?

2 A. I don't remember.

3 Q. Okay. Before you used the meat  
4 grinder, up until the time of the accident,  
5 did you ever feel that you didn't have  
6 enough information to be able to use it  
7 safely?

8 A. No.

9 Q. Okay. Now, can you describe about  
10 how big the hole on the top of the machine  
11 in this stainless steel pan was?

12 A. About like the rim of the coffee  
13 cup. (Witness indicating.)

14 Q. Okay.

15 A. Is that a good description?

16 Q. Right. Before the accident did  
17 you ever look down in that hole and saw what  
18 was down there?

19 A. Yes, I -- yes.

20 Q. What did you understand was down  
21 there?

22 A. You could barely see down there,  
23 it was very dim in the thing, I always

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1 looked down there, I could never see  
2 anything -- not always looked down but I did  
3 look down there.

4 Q. Did you understand that there was  
5 some moving parts down there that ground  
6 hamburger?

7 A. Yes.

8 Q. Okay. Before the accident did you  
9 understand that down that hole was something  
10 that was dangerous?

11 A. Oh, yes. Well, I didn't know if  
12 it was -- I still don't know if it's like  
13 sharp razors that are down there or if there  
14 is like a circular spiral thing down there  
15 of just metal, I don't know -- I knew there  
16 is something down there that spun,  
17 basically.

18 Q. Before the accident you knew that  
19 there was a hole there and down that hole  
20 there was some moving parts?

21 A. Yes.

22 Q. And those moving parts were  
23 involved in taking a piece of meat and turn

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1 it into a piece of hamburger?

2 A. Yes.

3 Q. And you knew if you dropped some  
4 object like a spoon down there that the  
5 spoon would get damaged, is that accurate?

6 A. Yes. Yes.

7 Q. Okay. And were you aware before  
8 the accident of the hazard of if you got  
9 your hand started down that hole?

10 A. Was I aware?

11 Q. There was a hazard presented if  
12 you got your hand started down that hole?

13 A. Well, yes, it is a hazard.

14 Q. And what was your understanding  
15 before the accident of what might happen if  
16 you got your hand caught in there?

17 A. I just knew it would be dangerous,  
18 I never really thought in depth how bad it  
19 would be, but like I mean when you nail a  
20 nail in the wall you can hit your thumb, I  
21 mean, you don't always think of small things  
22 like that, I never really thought the  
23 thought.

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1 Q. Would it be fair to say this  
2 machine was self-feeding, in other words, if  
3 you started a piece of meat at the top it  
4 would go in there automatically?

5 A. No, I don't think it was  
6 self-feeding.

7 Q. Okay. So, if something was going  
8 to be put through the machine it was going  
9 to have to be presented right to the top and  
10 then have gravity feed it down?

11 A. Yes.

12 Q. Okay. So, if there was a piece of  
13 meat that was lying horizontally it wasn't  
14 going to go in, it actually had to be put in  
15 there vertically?

16 A. Yes.

17 Q. Have you ever filed for  
18 unemployment compensation since this  
19 accident?

20 A. Yes.

21 Q. When was that?

22 A. I received unemployment right  
23 immediately after my accident, I never filed

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1 for it but --

2 Q. I'm not talking workers'  
3 compensation, I'm talking unemployment  
4 compensation.

5 A. Oh, no. No.

6 Q. Okay. Were you aware before the  
7 accident of a risk of injury if your hand  
8 went down in the hole at the top of the  
9 machine where the stainless steel tray was?

10 A. Was I aware that something could  
11 happen?

12 Q. Were you aware of the risk of an  
13 injury if your hand were to go down the  
14 hole?

15 A. All the way down, yes, but I never  
16 imagined like just poking the meat in would  
17 affect anything whatsoever.

18 Q. Did you know that if your hand  
19 were to go beyond the top of the hole that  
20 there was a risk of injury to your hand if  
21 your fingers were to go in there?

22 A. No, because I was looking,  
23 everybody would stick their hands past the

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1 hole just to push the meat down, so that the  
2 thing down there could, I don't know,  
3 collect it.

4 Q. Okay. Did you know if your hand  
5 went down there that there could be an  
6 injury to your hand before the accident?

7 A. I mean, obviously, like everybody  
8 put their hand down there to push the meat,  
9 so, I mean, there was awareness of how far  
10 along you can put your hand in, not like  
11 you're just poking, yes, if you stuck your  
12 hand all the way down there for no apparent  
13 reason, yes, you're going to get stuck in  
14 the machine, but everybody put their hand in  
15 to push the meat, it was just -- you know,  
16 that's what people did, but, you know, to  
17 push the meat in.

18 Q. Based on your knowledge before  
19 this accident, what was the safe level where  
20 a person's fingers could go below the lip of  
21 the hole?

22 A. There was no like set level,  
23 nobody suggested you can put your hand

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1 halfway through and nothing would happen,  
2 you're just tapping the meat in.

3 Q. I'm not trying to be smart.

4 A. I know. I know.

5 Q. I just want to see where your  
6 knowledge was.

7 A. I see what you're saying.

8 Q. Did you see people go down more  
9 than a certain level?

10 A. Well, normally like there would be  
11 only one person working the deli and, you  
12 know, whoever is working the deli they would  
13 be doing all that hamburger meat. At the  
14 time of my accident Irene was busy in the  
15 deli, I was ringing on the register and so  
16 somebody was asking for hamburger meat.  
17 Irene asked me to take care of the person,  
18 she was busy doing something, so, I went in  
19 the cooler to do that, so, normally like  
20 you're not just hanging around watching  
21 people like.

22 Q. Understood. What's the deepest  
23 you ever saw anybody push their hand down in

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1 that hole before your accident?

2 A. I don't know. I've never sat  
3 there and watched somebody like stick their  
4 fingers down like, I mean, I've seen people  
5 like push the meat down with their hand but  
6 like I don't sit there and watch them stick  
7 their, you know, how far they've done it,  
8 you know.

9 Q. Did you ever see anybody push meat  
10 down lower than the rim of the stainless  
11 steel top of the meat grinder?

12 A. Yes.

13 Q. About how far below that, if you  
14 can remember and estimate?

15 A. I just know they push, I don't  
16 know -- I don't know exactly, I just know  
17 they're pushing with their fingers, I don't  
18 know how far down it is, but I know they're  
19 pushing with their hands and fingers.

20 Q. You knew at some point going down  
21 that hole, going down that cylinder, there  
22 were some moving parts that started to grind  
23 the hamburger meat, right?

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